

January 17, 2001

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT**

SUBJECT: Department of Development and Environmental Services File No. **L99P3011**

**PORTER SUBDIVISION**

Preliminary Plat Application

Location: Lying east of 116<sup>th</sup> Avenue Southeast, approximately  
between 116<sup>th</sup> Avenue SE and 118<sup>th</sup> Avenue SE, and  
between SE 319<sup>th</sup> Street and SE 320<sup>th</sup> Street

Applicant: **Robert Porter**  
608 – 32<sup>nd</sup> Avenue  
Seattle, WA 98122  
Telephone: (206) 328-2414

King County: Department of Development and Environmental Services  
Land Use Services Division, *represented by*  
**Lanny Henoch**, Current Planning Section  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7168  
Facsimile: (206) 296-6613

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted:	October 13, 1999
Complete application:	October 13, 1999

EXAMINER PROCEEDINGS:

Hearing Opened: January 16, 2001  
Hearing Closed: January 16, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- King County Road Standards
- Intersection spacing
- Drainage

SUMMARY:

Grants preliminary approval to a proposed subdivision of 2.67 acres into 13 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner/Developer:	Robert Porter 2335 E. Union Seattle, WA 98122 Telephone: (206) 328-2414
Engineer:	Richard Deccio, P.E. ADH Engineering 17217 – 7 <sup>th</sup> Ave. West Bothell, WA 98012 Telephone: (206) 390-8374
Location:	Lying on the east side of 116 <sup>th</sup> Ave. SE, approximately between 116 <sup>th</sup> Ave. SE and 118 <sup>th</sup> Ave. SE, and between SE 319 <sup>th</sup> Street and SE 320 <sup>th</sup> Street.
STR:	SW ¼ of the SW ¼ of Section 9, Township 21, Range 5

Zoning:	R-6-SO
Acreage:	2.67
Number of Lots:	13
Density:	4.96 dwelling units per acre
Typical Lot Size:	Ranges from 4,424 to 8,213 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	City of Auburn
Water Supply:	City of Auburn
Fire District:	No. 44
School District:	Auburn School District No. 408
Complete Application (Vesting) Date:	October 13, 1999

2. **Proposal.** Robert Porter (Applicant) represented by Richard Deccio, P.E., proposes to subdivide a 2.67 acre parcel into 13 single-family residential building lots. With proposed lot sizes ranging from 4,424 to 8,213 square feet, the proposed plat would achieve a density of 4.96 dwelling units per acre, comfortably within the density range authorized by the R-6 zoning classification.
3. **State Environmental Policy Act.** On December 8, 2000, the Department of Development and Environmental Services (“DDES” or “Department”) issued a threshold determination of non-significance for the proposed development. That is, the Department published its determination that the proposed development would not cause a probable significant adverse impact on the environment and therefore would not require preparation of an environmental impact statement. That determination was based upon review of the environmental checklist and other relevant environmental documents. No agency, tribe, person or other entity appealed that determination.
4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Robert Porter, subject to the 18 conditions of final plat approval stated on pages 7 through 10 of the Department’s Preliminary Report to the Examiner (Exhibit No. 2).
5. **Applicant Response.** The Applicant accepts the Department’s recommendation as described in Finding No. 4, preceding.
6. **Issues.** No new issues arose through this public review. Prior to hearing, variances were required from the drainage code and from the King County Road Standards (KCRS).
  - The drainage adjustment will allow a small percentage of the subject property, located along the south boundary, to drain northerly with the rest of the property.
  - The KCRS variance allows a variation from the standards pertaining to intersection spacing. KCDOT has determined the acceptability of this variance. See Exhibit No. 9.
7. **Public Participation.** No person appeared to testify regarding this proposed plat.
8. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated January 16, 2001 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be

attached to those copies of the examiner's report which are submitted to the King County Council.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

The proposed plat of Robert Porter is GRANTED PRELIMINARY APPROVAL; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 109 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.

6. The Applicant must obtain the approval of the King County Fire Protection Engineer, to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.”
  - d. Drainage Adjustment L00V0060 was approved regarding this subdivision. All conditions of approval of Adjustment L00V0060 shall be met on the engineering plans for the subject plat. The Adjustment and the 1998 Surface Water Design Manual require the application of the KCRTS Level 2 flow control methodology to the subject plat.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) and the following requirements:
  - a. The internal access road shall be improved, at a minimum, to the urban minor access street standard.
  - b. The frontage of the subject plat on 116<sup>th</sup> Avenue Southeast shall be improved to the urban collector arterial standard.

- c. Modifications to the above road conditions may be considered, pursuant to the variance procedures in Section 1.08 of the KCRS.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
10. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impacts fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from 116<sup>th</sup> Avenue Southeast from those lots which abut this street. A note to this effect shall appear on the final plat and engineering plans.
13. Ten feet of additional right-of-way for 116<sup>th</sup> Avenue Southeast shall be dedicated along the west property line of the site, allowing for 30 feet of right-of-way from centerline.
14. A planter island, if proposed within the turnaround for the on-site minor access street, shall be maintained by the abutting lot owners or the homeowners association. If an island is proposed, a note indicating who is responsible for maintenance of the island shall be stated on the face of the final plat.
15. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 ( i.e. sport court, children's play equipment, picnic tables, benches, etc.).
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in Item "a", shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.

- c. A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three year period, shall be posted prior to recording of the plat.
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16. A homeowner's association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
  17. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
    - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
    - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless DDES determines that trees should not be located in the street right-of-way.
    - c. If DDES determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
    - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
    - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
    - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
    - g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if 116<sup>th</sup> Avenue Southeast is on a bus route. If 116<sup>th</sup> Avenue Southeast is on a bus route, the street tree plan shall also be reviewed by Metro.
    - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

18. To implement SO-220 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention and engineering plans shall be consistent with the requirements of SO-220. No clearing of the site is permitted until the tree retention plan is approved by DDES. Flagging and temporary fencing of trees to be retained shall be provided, consistent with SO-220. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except as may be permitted under the provisions of SO-220.

ORDERED this 17<sup>th</sup> day of January, 2001.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 17<sup>th</sup> day of January, 2001, to the following parties and interested persons:

William Ableman  
Richard Deccio  
Roger Dorstad  
L. E. Helper  
L. Holloman  
Holmvig, Waswll & Associates  
Linda Matlock  
Patti Maynard  
Eleanor Moon  
New Home Trends  
Robert New

Robert Porter  
Seattle-King County Health Dept  
Greg Borba  
Kim Claussen  
Nick Gillen  
Lanny Henoch  
Kristen Langley  
Aileen McManus  
Carol Rogers  
Larry West  
Bruce Whittaker

#### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before January 31, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before February 7, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further



**MINUTES OF THE JANUARY 16, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99P3011 – PORTER SUBDIVISION:**

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Lanny Henoch and Bruce Whittaker. Participating in the hearing and representing the Applicant was Robert Porter and Richard Deccio. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- |                |   |
|----------------|---|
| Exhibit No. 1  | DDES File No. L99P3011  |
| Exhibit No. 2  | DDES staff report, prepared for the January 16, 2001 hearing  |
| Exhibit No. 3  | SEPA Environmental Checklist, submitted October 13, 1999  |
| Exhibit No. 4  | SEPA Determination of Non-Significance, issued on December 8, 2000  |
| Exhibit No. 5  | Affidavit of Posting, indicating the subject property was posted with a sign on December 9, 1999 giving notice of the filing of the proposed plat application.                          |
| Exhibit No. 6  | Revised plat map, received April 13, 2000   |
| Exhibit No. 7  | Land use map  |
| Exhibit No. 8  | Assessor Map SW ¼ of Section 9, Township 21, Range 5  |
| Exhibit No. 9  | December 27, 2000 letter from Ronald J. Paananen, King County Road Engineer, approving Road Variance Application L00V0116 concerning intersection spacing on 116 <sup>th</sup> Ave. SE. |
| Exhibit No. 10 | Surface Water Design Manual Variance L00V0060 concerning a stormwater diversion, and a July 11, 2000 letter from Joe Miles and Jeff O'Neill, DDES, approving this variance application. |
| Exhibit No. 11 | January 4, 2001 memorandum from Connie Blumen, Program Manager, King County Park System   |

RST:sje  
Plats/L99P3011 RPT